IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:11cv02

RICK L. HODGES and)	
CORNERSTONE HOMES OF)	
HIGHLANDS, LLC,)	
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
FIRST AMERICAN BANK AND)	
TRUST COMPANY,)	
)	
Defendant.)	
)	

Pending before the Court is Defendant First American Bank and Trust Company's Second Motion to Compel [# 35]. Defendant moves to compel Plaintiffs to respond to Defendant's Second Requests for Production and Second Interrogatories. Plaintiffs, who are represented by counsel, did not file a response to Defendant's Motion to Compel, and, therefore, the Court deems the motion unopposed.

Upon a review of Defendant's motion and the record in this case, the Court **GRANTS** the Defendant's Motion to Compel [# 35]. The Court **DIRECTS** the parties as follows:

- (1) Plaintiffs shall respond to the Second Requests for Production and produce all responsive documents in their possession, custody, or control within twenty (20) days of the entry of this Order. To the extent that Plaintiffs did not timely file objections to any of the Requests, the Court deems the objections, with the exception of attorney client privilege and attorney work product, waived. If Plaintiffs intend to rely on either the attorney client privilege or attorney work product to withhold any documents, they shall provide a privilege log to Defendants within twenty (20) days of the entry of this Order. The failure to provide a privilege log that conforms with the requirements of the Federal Rules of Civil Procedure and law in this district will result in the Court deeming waived the applicable privileges.
- (2) Plaintiffs shall answer fully and in writing under oath within ten (10) days of the entry of this Order each of the Interrogatories contained in Defendant's Second Interrogatories. The answers must be signed by the person making the answers. Plaintiffs have waived any objections to these Interrogatories.
- (3) The Court **DIRECTS** Plaintiffs to **SHOW CAUSE** in writing within

five (5) days of the entry of this Order why the Court should not require Plaintiffs to pay the Defendant's reasonable expenses, including attorneys' fees, for bringing this motion.

- (4) Absent compelling circumstances, the Court will not extend any of the deadlines in this Order.
- (5) The failure of either Plaintiff to comply fully with this Order will result in the Court recommending that the District Court strike the Complaint and dismiss Plaintiffs' claims.

Signed: March 18, 2012

Dennis L. Howell

United States Magistrate Judge